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| 10/623,708 | 07/22/2003 | Richard Brussel | 017399-0211 | 4928 |
| 22428 | 7590 | 11/07/2005 | EXAMINER | |
| FOLEY AND LARDNER LLP | | | NICHOLSON III, LESLIE AUGUST | |
| SUITE 500 | | | ART UNIT | |
| 3000 K STREET NW | | | PAPER NUMBER | |
| WASHINGTON, DC 20007 | | | 3651 | |

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,708

Applicant(s)

BRUSSEL, RICHARD

Examiner

Leslie A. Nicholson III

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3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/22/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/26/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a first action on the merits of application 10/623708.

Information Disclosure Statement

2. The information disclosure statement filed 2/26/2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both a "carrier plate" and a "cross drive" in figure 2.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "device for cleaning the carrier plates" (claim 6 and 8) and "roller coating unit" (claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The use of the trademark "Teflon" and "Talcum powder" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 6, 8, and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 6 and 8, simply reciting "a cleaning device" or "a device for cleaning", and with no drawings to support it, does not enable one of ordinary skill in the art to make and/or use the invention.

Regarding claim 11, simply reciting "a roller coating unit", and with no drawings to support it, does not enable one of ordinary skill in the art to make and/or use the invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1 recites the limitation "the one or more resilient carrier plates" in line 4-5 of the claim. There is insufficient antecedent basis for this limitation in the claim. Furthermore, this claim is an incomplete sentence and unclear. What is "the resiliently"? "Resiliently" is not a noun.

The term "resilient" in claims 1 and 3 is a relative term which renders the claim indefinite. The term "resilient" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefore, any material can be considered resilient.

Claim 3 recites the limitation "spring steel". What is "spring steel"? The examiner will interpret the limitation to be any kind of steel.

Claim 5 recites the limitation "travel drives" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the plastic" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites "a bottom stretch". What is a bottom stretch of a conveyor belt? The examiner will interpret the claim to mean any part of a conveyor belt.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1,2,4, and 5, as best understood by the examiner (see ¶18,16), are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Mueller USP 6,209,710.

Regarding claim 1; Yamazaki discloses a similar method comprising setting down on longitudinal margins of the conveyor and picking up the product by the resiliently and slipping the one or more resilient carrier plates (4) between the product and a surface of the conveyor (fig.8,9,10). Yamazaki does not expressly disclose the conveyor having a belt or the products being plastic products.

Mahoney teaches the conveyance of plastic products by way of a conveyor belt for the purpose of smoothly conveying the plastic products from one point to another (C1/L6-18; C4/L30-32).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a conveyor belt to convey plastic products, as taught by Mahoney, in the method of Yamazaki, for the purpose of conveying the plastic products from one station to another.

Regarding claim 2, Yamazaki discloses the apparatus comprising transversely driven carrier plates (4) adapted to slip under and lift the plastic product by its lateral margins and thereby pick it up (fig.8,9,10).

Regarding claim 4, Yamazaki discloses the apparatus further comprising a lifting drive on a lifting spindle (5) adapted to resiliently urge the carrier plates against the surface of the conveyor belt, for insertion underneath the plastic product and a cross rail (7) on which the carrier plates are adapted to be driven toward a longitudinal central axis (fig.2,7-10).

Regarding claim 5, Yamazaki discloses the apparatus characterized by a slanting application of the carrier plates to cross travel drives (fig.3,7).

11. Claims 6 and 8, as best understood by the examiner (see ¶6,8), is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Mueller USP 6,209,710 further in view of Cohen USP 6,332,636.

Regarding claim 6, Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose the apparatus further comprising a device for cleaning the carrier plates attached in an area of the cross travel drives.

Cohen teaches a device for cleaning the carrier plates attached in an area of the cross travel drives (C19/L23-26) for the purpose of removing foreign matter that can contaminate a conveyed product.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a device for cleaning the carrier plates attached in an area of the cross

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travel drives, as taught by Cohen, in the device of Yamazaki for the purpose of removing foreign matter that can contaminate a conveyed product.

Regarding claim 8, Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose the apparatus further comprising a cleaning device, in which adapted to engage with and clean the carrier plates cyclically or after x-cycles.

Cohen teaches a cleaning device, in which adapted to engage with and clean the carrier plates cyclically or after x-cycles (C19/L23-26) for the purpose of removing foreign matter that can contaminate a conveyed product.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a cleaning device, in which adapted to engage with and clean the carrier plates cyclically or after x-cycles, as taught by Cohen, in the device of Yamazaki, for the purpose of removing foreign matter that can contaminate a conveyed product.

12. Claim 3, as best understood by the examiner (see ¶8), is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Mueller USP 6,209,710 further in view of Focke USP 5,417,543.

Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose the carrier plates having a resilient flexible construction from spring steel.

Focke teaches the use of a resilient flexible construction from spring steel for the purpose of using a material which is elastically deformable like leaf springs (C4/L16-22).

At the time of invention it would have been obvious to one having ordinary skill in the art to use a resilient flexible spring steel material, as taught by Focke, in the apparatus of Yamazaki, for the purpose of using a material which is elastically deformable like leaf springs.

13. Claim 7, as best understood by the examiner (see ¶8), is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Mueller USP 6,209,710 further in view of McGill USP 4,183,428.

Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose the apparatus characterized in that a drive transports the plastic on a track.

McGill teaches the apparatus characterized in that a drive transports the plastic on a track (16) (fig.1) for the purpose of moving the products through a fixed course extending longitudinally of the apparatus (C2/L45-49).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a drive to transport the plastic on a track, as taught by McGill, in the device of Yamazaki, for the purpose of moving the products through a fixed course extending longitudinally of the apparatus.

14. Claims 9-12, as best understood by the examiner (see ¶6,8), is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Mueller USP 6,209,710 further in view of Dischler USP 6,279,211.

Regarding claim 9, Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose bearing surfaces of the carrier plates and/or of the conveyor belt have a parting coat.

Dischler teaches bearing surfaces of the carrier plates and/or of the conveyor belt have a parting coat for the purpose of reducing friction and heating (C2/L53-63).

At the time of invention it would have been obvious to one having ordinary skill in the art to having a parting coat on the bearing surfaces of the carrier plates and/or of the conveyor belt, as taught by Dischler, in the device of Yamazaki, for the purpose of reducing friction and heating.

Regarding claim 10, Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose treating bearing surfaces of the carrier plates and/or of the conveyor belt repeatedly with talc.

Dischler teaches treating bearing surfaces of the carrier plates and/or of the conveyor belt repeatedly with talc for the purpose of reducing friction and heating (C2/L53-63).

At the time of invention it would have been obvious to one having ordinary skill in the art to treat bearing surfaces of the carrier plates and/or of the conveyor belt repeatedly with talc, as taught by Dischler, in the method of Yamazaki, for the purpose of reducing friction and heating.

Regarding claim 11, Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose the apparatus further comprising a roller coating unit adapted to coat the conveyor belt with a parting agent in a bottom stretch.

Dischler teaches a roller coating unit adapted to coat the conveyor belt with a parting agent in a bottom stretch for the purpose of reducing friction and heating (C2/L53-63).

At the time of invention it would have been obvious to one having ordinary skill in the art to a roller coating unit adapted to coat the conveyor belt with a parting agent in a bottom stretch, as taught by Dischler, in the device of Yamazaki, for the purpose of reducing friction and heating.

Regarding claim 12, Yamazaki discloses all the limitations of the claim (see ¶10), but does not expressly disclose the method further comprising treating bearing surfaces of the carrier plates and/or of the conveyor belt with talc cyclically or after x-cycles.

Dischler teaches a method of treating bearing surfaces of the carrier plates and/or of the conveyor belt with talc cyclically or after x-cycles for the purpose of reducing friction and heating (C2/L53-63).

At the time of invention it would have been obvious to one having ordinary skill in the art to treat bearing surfaces of the carrier plates and/or of the conveyor belt with talc cyclically or after x-cycles., as taught by Dischler, in the method of Yamazaki, for the purpose of reducing friction and heating.

Allowable Subject Matter

15. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner's Note

16. The recitation in the preamble of claims 1 and 2 "for picking up a tacky plastic product lying on a conveyor belt, for transport and for depositing in a mold in a molding press " relates only to a possible or intended use of the device being claimed, but does not further structurally limit the method or apparatus.

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Conclusion

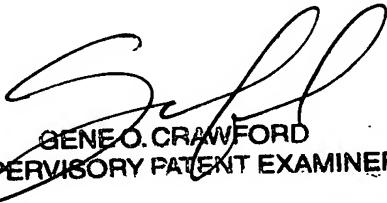
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
11/2/2005


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER